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PTO/SB/31 (02-01)  
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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> P112554	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on <u>October 15, 2002</u>  Signature <u>Jane E. Powles</u> Typed or printed name <u>Jane E. Powles</u>		In re Application of <u>Alvin Neeley et al.</u>	
		Application Number <u>09/440,149</u>	Filed <u>11/15/99</u>
		For <u>MANHOLE COVER LIFTING APPARATUS AND METHOD</u>	
		Group Art Unit <u>3652</u>	Examiner <u>Underwood, D.</u>

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ \_\_\_\_\_

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 160.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 08-3260. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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I am the 10/22/2002 BNGUYEN1 00000008 09440149  
01 FC:2401 160.00

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

Signature Robert B. Hughes  
Typed or printed name Robert B. Hughes  
Date 10/15/02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

NY / 3652

Applicant: Alvin L. Neeley ) ArtUnit: 3652  
Serial No. 09/440,149 ) Examiner: Underwood, D.  
Filed: November 15, 1999 )  
For: MANHOLE COVER LIFTING ) Attorney  
APPARATUS AND METHOD ) Ref. No.: P112554

BOX FEE - AF  
Assistant Commissioner for Patents  
U.S. Patent & Trademark Office  
Washington, D.C. 20231

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### LETTER REGARDING NOTICE OF APPEAL

Sir:

Attached is a Notice of Appeal which is being filed in the above application. A check in the amount of \$160.00 is enclosed for the filing fee. It is believed that no other fee is due at this time to maintain the application in full force and effect, however if any such fee is due, please charge this to Deposit account no. 08-3260.

### REMARKS

If there is any other matter that needs attention, and consultation with the undersigned would be of help, such consultation would be welcome. The undersigned can normally be reached at the phone number noted below.

Signed at Bellingham, County of Whatcom, State of Washington this  
October 15, 2002.

Respectfully submitted,

Alvin L. Neeley,

By Robert B. Hughes  
Robert B. Hughes, Reg. No. 19,304  
HUGHES LAW FIRM, PLLC  
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Bellingham, WA 98225  
(360) 647-1296/Fax (360) 671-2489

### CERTIFICATE OF MAILING (37 CFR 1.912)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date below.

Oct. 15, 2002

SAWE E. POWLES  
Print name of person mailing paper  
SAWE E. POWLES  
Signature of person mailing paper